

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 3-17-03

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-6
ITEM DESCRIPTION: Zoning District Amendment #03-02 by Todd Ustby to zone approximately 2.21 acres R-1X (Mixed Single Family Extra) upon annexation to the City of Rochester. An Annexation petition and General Development Plan are being considered concurrent with this petition.		PREPARED BY: Mitzi A. Baker, Senior Planner

March 10, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on February 26, 2003, to consider this petition.

Mr. Haeussinger moved to recommend approval of Zoning District Amendment #03-02 by Todd Ustby with the staff-recommended findings. Mr. Staver seconded the motion. The motion carried 7-0.

Planning Staff Recommendation:

See attached staff report.

Council Action Needed:

The Council should direct the City Attorney to prepare findings of fact reflecting the Councils decision on this zone change.

If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property.

Distribution:

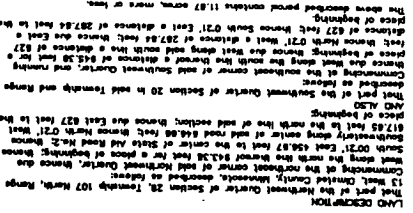
1. City Clerk
2. City Administrator
3. City Attorney: Legal Description attached
4. Planning Department File
5. GGG
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday March 17, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION:

Motion By:

Seconded By:

Action:



JAN 15 2003

ROAD NE
reconstruction of Main Road
24.00
Shannon Oaks First Addition

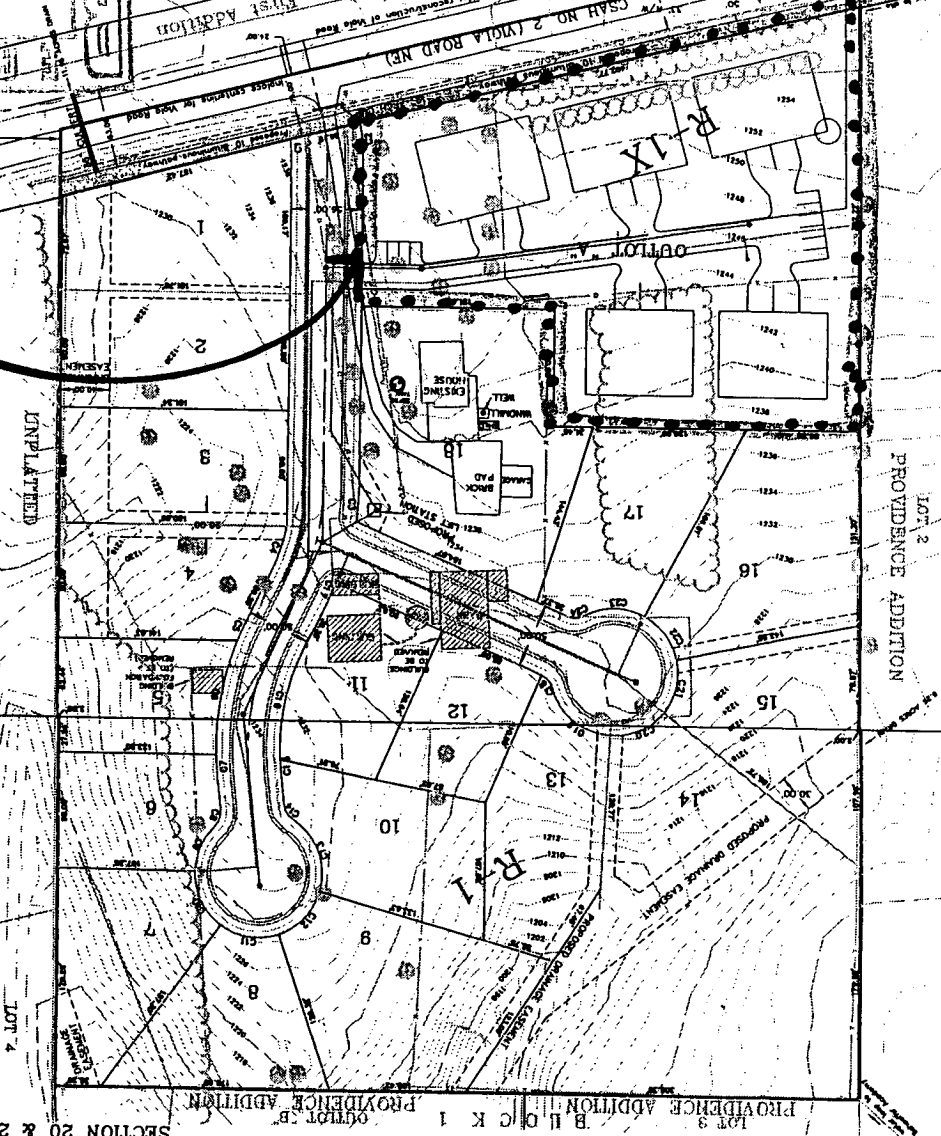
NUMBER TOWER

THE END

[illegible]

CURVE TABLE		LENGTH	RADIUS
CU	10.62	72.00	
C1	24.32	128.00	
C2	26.62	203.00	
C3	31.32	350.00	
C4	38.42	500.00	
C5	46.00	600.00	
C6	54.00	700.00	
C7	62.42	800.00	
C8	71.22	900.00	
C9	80.42	1000.00	
C10	90.00	1100.00	
C11	100.00	1200.00	
C12	110.42	1300.00	
C13	121.22	1400.00	
C14	132.42	1500.00	
C15	144.00	1600.00	
C16	156.00	1700.00	
C17	168.42	1800.00	
C18	181.22	1900.00	
C19	194.42	2000.00	
C20	208.00	2100.00	
C21	222.00	2200.00	
C22	236.42	2300.00	
C23	251.22	2400.00	
C24	266.42	2500.00	

Proposed R-1X zoning

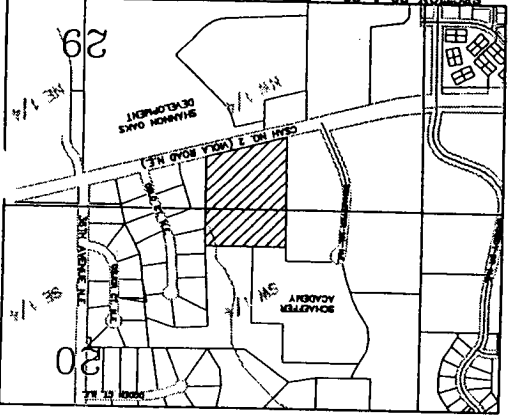


PROVIDENCE ADDITION

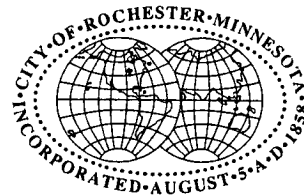
GENERAL DEVELOPMENT PLAN
VIOLA HILLS SUBDIVISION
SECTION 20 & 28 HAVERHILL TOWNSHIP

[illegible]

SECTION 20 & 29 - TWP. 107 NORTH - RANGE 13 WEST



VICINITY MAP



TO: City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: February 6, 2003

RE: Zoning District Amendment #03-02 by Todd Ustby to zone approximately 2.21 acres R-1X (Mixed Single Family Extra) upon annexation to the City of Rochester. An Annexation petition and General Development Plan are being considered concurrent with this petition.

ROCHESTER-OLMSTED
PLANNING DEPARTMENT

2122 CAMPUS DR SE

ROCHESTER MN 55904-4744

ADMINISTRATION/ 507/285-8232
PLANNING

GIS/ADDRESSING/ 507/285-8232
MAPPING

HOUSING/HRA 507/285-8224

BUILDING CODE 507/285-8213

WELL/SEPTIC 507/285-8345

FAX 507/287-2275

Planning Department Review:

Applicant/Owner:

Todd Ustby
1211 Ashley Lane SW
Rochester, MN 55902

Consultants:

GGG Engineering, Inc.
14070 Highway 52 SE
Chatfield, MN 55923

Location of Property:

This property is located along the north side of CR 2/Viola Road, east of Schaeffer Lane and west of Osjor Estates.

Requested Action:

The applicant requests 2.21 acres of land be re-zoned from R-1 to R-1X (Mixed Single Family Extra).

Existing Land Use:

The property is currently platted but undeveloped and is designated for "low density residential" types of uses on the Rochester Urban Service Area Land Use Plan.

Proposed Land Use:

The applicant is proposing to develop this site with townhomes or single family attached housing in the R-1X zoning district.

Adjacent Land Use and Zoning:

Properties in this area are identified for "Low Density Residential" uses on the Land Use Plan. Osjor Estates is an existing rural subdivision to the east. Property to the west is being developed by Shaeffer Academy. To the south is low density residential housing and a planned school/park site.

Transportation Access:

Access to this development is planned at CR 2/Viola Road, via a public roadway which will align with



Shannon Oaks Boulevard NE located on the south side of CR 2. The alignment of this road will need to be modified to intersect with CR 2 at a right angle.

Wetlands:

According to the Soil Survey, no hydric soils exist on this property. The property owner is, however, responsible for identifying wetlands. Due to the location in the landscape, the property owner should examine the site for wetlands.

Neighborhood Meeting:

A neighborhood meeting was held January 23, 2003. A summary of that meeting is enclosed.

Referral Comments:

1. See comments attached to General Development Plan #200, Viola Hills.

Report Attachments:

1. Location Map
2. Area Zoning Map

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
 - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
 - b) The area was originally zoned erroneously due to a technical or administrative error;
 - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
 - d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

Finding for Proposed R-1X: *The Rochester Urban Service Area Land Use Plan designates this property as appropriate for "low density residential" types of uses. Uses within the R-1X zoning district would be consistent with the current land use designation. Rezoning this property would help further the policies and goals found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, which encourage developing a range of densities and development styles. Re-zoning could also help to further goals and policies found within Chapter 3 of the Housing Plan to increase the supply of housing.*

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2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:

- a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

***Finding for Proposed R-1X:** Uses allowed within the R-1X zoning district will be appropriate on the property and compatible with adjacent properties . The Viola Hills General Development Plan, being considered concurrent with this re-zoning petition, identifies a general layout of roadways and townhomes on the property.*

- b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

***Proposed R-1X:** The amendment to R-1X would be consistent with the Rochester Urban Service Area Land Use Plan designation for this property as "low density residential", and would not be considered spot zoning.*

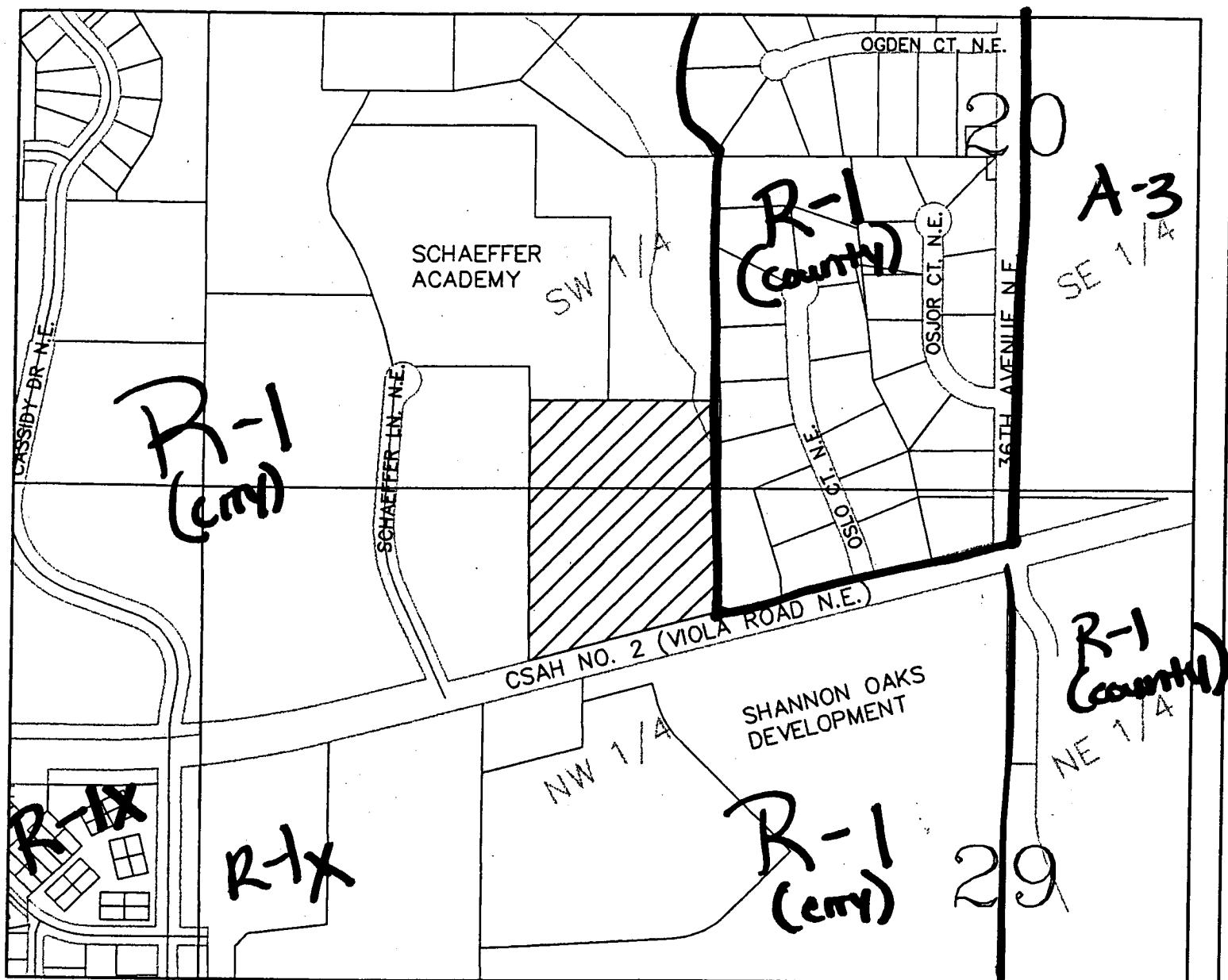
Staff Recommendation:

Findings can be made to support this request. Staff recommends approval to zone 2.21 acres R-1X upon annexation to the City of Rochester.

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AREA ZONING

VICINITY MAP



SECTION 20 & 29 - TWP. 107 NORTH - RANGE 13 WEST
"NOT TO SCALE"

CURVE TABLE

CURVE	LENGTH	RADIUS
C1	10.22'	72.00'
C2	24.32'	128.00'
C3	25.52'	203.00'
C4	39.54'	150.00'
C5	19.32'	225.00'
C6	92.01'	225.00'
C7	12.22'	225.00'

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GGG Inc.

Engineering Surveying & Planning

14070 Hwy 52 SE Chatfield, MN 55923

phone 507-867-1666

fax 507-867-1665

Olmsted Planning & Zoning

Attn: Brent Svenby

2122 Campus Drive SE

Rochester, MN 55904

RE: Viola Hills Subdivision neighborhood meeting

Dear Brent,

On the night of January 23rd 2003, a neighborhood meeting was held for Viola Hills Subdivision. About a dozen people attended to gather information and make comments. Some of the items that were discussed were utilities to serve the area, stormwater management, the reconstruction of Viola Road, and the type and price range of homes to be constructed. The meeting was mostly informational through question and answers. No new information was disclosed that caused me any concern. There were a couple of people that didn't seem to like the idea of the land being developed but nobody commented that they were against it.

An error on the GDP was found. The unit densities were expressed in acres per unit instead of units per acres. The single family density (R-1) should be 1.86 units per acre and the R-1X should be 4.52 units per acre.

Please feel free to call with any questions or comments.

Thank you,



Mark R. Welch

Design Engineer

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NAME _____

Steve Teck

RR Box 23 Egin Mo. 55932 876-2415

Mark Welch

14070 Hwy 52 SE Belfield 867-2985

Roger & Jackie Payne

1700 Northwood Dr NE-Rochester

Robert - Karen Tracy

2612 Oslo (H N.E. 288 3876

Joe Schueler

3504 Ogden Ct, NE-288-5871

Rael Nasser

3328 Voh R₁ VE 281-960L

Kathleen Tarara

3516 Og der Ct NE

John Kess

3505 Ogden Ct NE

Rebecca Murray

503 23rd St SW (Schaeffer Acad.)

Lucy Mader

2611 Q84 CT 7.5

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Mr. Staver moved to recommend approval of Annexation #03-04. Ms. Petersson seconded the motion. The motion carried 7-0.

Annexation Petition #03-05 by West 19 Development, LLC to annex approximately 56.44 acres of land located north of the Dakota, Minnesota & Eastern Railroad along US Highway 14 West and east of 50th Avenue NW. The property is located in a part of the NW ¼ of Section 29 of Cascade Township.

Mr. Burke moved to recommend approval of Annexation Petition #03-05 by West 19 Development, LLC. Ms. Petersson seconded the motion. The motion carried 7-0.

CONTINUED ITEMS:

Ms. Wiener asked if the Commission could hear all three continued items simultaneously.

Mr. Svenby responded yes.

Annexation Petition #03-01 by Rad Nasrin to annex approximately 12 acres of land located north of Viola Road (CR 2), west of Osjor Estates and east of Schaeffer Lane NE. A General Development Plan for the entire property, and a Zoning District Amendment for a portion of the property are being considered concurrent with this application.

AND

Zoning District Amendment #03-02 by Todd Ustby to zone approximately 2.21 acres R-1X (Mixed Single Family Extra) upon annexation to the City of Rochester. An Annexation petition and General Development Plan are being considered concurrent with this petition.

AND

General Development Plan #200 by Todd Ustby to be known as Viola Hills Subdivision. The Applicant is proposing to develop approximately 12 acres of land located west of Osjor Estates, east of Schaeffer Lane and north of Viola Road (CR 2) with single family homes and townhomes. The property is proposed to be served by a public road, with two cul-de-sacs. An Annexation petition for the entire property, and a Zoning District Amendment for a portion of this property are being considered concurrent with this petition.

Mr. Brent Svenby presented the staff reports, dated January 30, 2003 and February 6, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that the items were continued at the last meeting due to the proposed access location to Viola Road NE. He stated that there was not good sight distance. At this point, the County has it in the CIP to regrade Viola Road NE in 2005. The applicant's consultant has been working with the County engineer in obtaining a temporary access to the property. He showed where it was located (westerly portion of site).

Mr. Svenby explained that Ms. Baker revised the staff recommended conditions for the general development plan and asked that the Commission act on the revised conditions that were handed out to them.

Ms. Rivas asked why there needed to be sidewalks on both sides, due to the roadway being short.

Mr. Svenby explained that the Ordinance requires that sidewalks be located on both sides of the street.

The applicant's representative, Mark Welch of GGG Engineering (14070 Highway 52 SE, Chatfield MN 55923), addressed the Commission. He stated that the applicant was in agreement with the revised staff-recommended conditions. He explained that there would be a sedimentation pond on site.

Ms. Kathleen Tarara, of 3516 Ogden Court NE, Rochester MN, addressed the Commission. She asked where the sedimentation pond would be located.

Mr. Welch showed where the existing watersheds were located. He showed the location of the pond at the end between the two bulbs.

Mr. Tony Ebert, Haverhill Township Chair, addressed the Commission. He expressed concern about stormwater management in the area. He explained the current erosion problems that exist. He indicated that Shannon Oaks was currently having problems controlling their stormwater management. He wanted the Commission to make sure that the proposed development could handle their water and the water from Shannon Oaks.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Svenby noted that the Commission should note in their motion that it be consistent with the zoning district amendment for 2.21 acres to be zoned R-1x.

Mr. Haeussinger moved to recommend approval of Annexation Petition #03-01 by Rad Nasrin, with the notion that 2.21 acres be consistent with Zoning District Amendment #03-02. Mr. Staver seconded the motion. The motion carried 7-0.

Mr. Haeussinger moved to recommend approval of Zoning District Amendment #03-02 by Todd Ustby with the staff-recommended findings. Mr. Staver seconded the motion. The motion carried 7-0.

Mr. Haeussinger moved to recommend approval of General Development Plan #200 by Todd Ustby to be known as Viola Hills Subdivision with the staff-recommended findings and conditions. Mr. Quinn seconded the motion. The motion carried 7-0.

CONDITIONS:

1. The public road access at CR 2 will need to be re-aligned to intersect at right angles and to align with the Shannon Oaks access to the south. This intersection currently has substandard sight distance. Unless a temporary access is provided to Schaeffer Lane or other temporary access is approved by Olmsted County Public Works, development of this property will need to be concurrent with, or following, improvements to CR 2 to correct the substandard sight distance. At the time of development turn lanes will be required from CR 2.